

REMARKS

Claims 1-11 and 14-22 are pending in the application. Claims 1-3 and 6-11 have been amended, claims 12 and 13 have been canceled without prejudice, and new claims 14-22 have been added. Support for the amendments and new claims can be found in the specification at, e.g., page 4, line 31; page 9, lines 24-35; page 10, lines 20-26; page 11, lines 1-29; page 45, lines 3-25; and Figures 1A-1D. These amendments add no new matter.

The specification has been amended to correct obvious errors. First, the description of the terminus of the CARD of the CARD-7 protein of SEQ ID NO:2 has been corrected to recite the amino acid position (amino acid 1429 of SEQ ID NO:2) at the terminus of the CARD-7 protein, rather than the nucleotide position (nucleotide 4810 of SEQ ID NO:1) corresponding to the termination codon for the CARD-7 open reading frame depicted in Figs. 1A-1D. Second, the descriptions of SEQ ID Nos:7 and 8 (referring to the CARDs of CARD-7 and CARD-8) have been deleted. No sequence identifiers have been (or need be) assigned to the CARDs of CARD-7 and CARD-8. A person of ordinary skill in the biological arts would recognize the existence of these errors as well as the appropriate corrections made by the present amendment. Accordingly, these amendments add no new matter

35 U.S.C. §112, First Paragraph (Written Description)

At pages 2-4 of the Office Action, the Examiner rejected claims 1-11 as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention at the time the application was filed. According to the Examiner,

[t]he specification discloses SEQ ID NOS: 2 and 8 which correspond to the human species of CARD-7 and CARD-5 proteins. Methods using SEQ ID NO:2 and 8 meet the written description provisions of 35 USC 112, first paragraph. However, the claims are directed to encompass proteins/polypeptides from other species, mutated sequences, allelic variants, splice variants, sequences that have a recited degree of identity (similarity, homology), and so forth (see page 12, for example). None of these sequences meet the written description provision of 35 USC 112, first paragraph. The specification provides insufficient written

description to support the genus encompassed by the claim.

Applicant respectfully traverses the rejection in view of the claim amendments and the following comments.

As detailed in the specification (page 11, lines 1-16), applicant has carried out a mammalian two-hybrid screening assay using CARD-7 and determined that CARD-7 interacts with the caspase recruitment domain ("CARD") of CARD-5. A CARD is a consensus protein-binding module that mediates the assembly of CARD-containing proteins into apoptosis and cell signaling complexes. The CARD of CARD-7 is also expected to mediate dimerization of the CARD-7 protein.

Amended claim 1 is directed to a method for identifying a compound that modulates the interaction between CARD-7 and a CARD-7 ligand (i.e., CARD-7 or CARD-5). The method includes steps of contacting a first polypeptide containing amino acids 1335-1429 of SEQ ID NO:2 (the CARD of CARD-7) with a second polypeptide containing amino acids 1335-1429 of SEQ ID NO:2 (the CARD of CARD-7) or amino acids 111-181 of SEQ ID NO:8 (the CARD of CARD-5). As amended, the claims recite the specific amino acid sequence of the CARD (the domain that mediates binding of CARD-7 to CARD-7 or CARD-5) for each polypeptide used in the claimed identification method. This precise structural definition of the polypeptides recited in the claims (i.e., comprising amino acid residues that correspond to the CARD of CARD-7 or CARD-5) allows the skilled artisan to readily envision the claimed invention and understand that applicant invented what is claimed. The skilled artisan would therefore readily understand applicant to have been in possession of the claimed invention at the time of filing of the present application.

In light of these comments and claim amendments, applicant respectfully submits that claimed invention satisfies the written description requirement and requests that the Examiner withdraw the rejection.

Applicant : John Bertin
Serial No. : 09/996,617
Filed : November 27, 2001
Page : 11 of 11

Attorney's Docket No.: 07334-340001 / MPI99-258CP2

Conclusions

Applicant asks that all claims be allowed in view of the amendments to the claims and the remarks presented herein.

Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 07334-340001.

Respectfully submitted,

Date: May 17, 2004



Jack Brennan
Reg. No. 47,443

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

30188072.doc